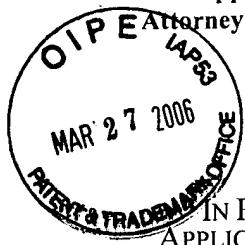


APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

U.S. Application Serial No. 10/042,192

Attorney Docket No. 042846-0312966



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF:

SERIAL NO.: 10/042,192
FILING DATE: January 11, 2002
ATTORNEY DOCKET NO.: 042846-0312966
CONFIRMATION NO.: 6876
ART UNIT: 2178
EXAMINER: Jonathon D. Schlaifer
FOR: SYSTEM AND METHOD FOR DETERMINING A DOCUMENT LANGUAGE AND
REFINING THE CHARACTER SET ENCODING BASED ON THE DOCUMENT
LANGUAGE

REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed January 27, 2006 (hereinafter "the 1/27/2006 Examiner's Answer"), Appellants respectfully submit a Reply Brief pursuant to 37 C.F.R. §41.41.

STATUS OF THE CLAIMS

Pending: Claims 1-40 are pending.

Cancelled: No claims are cancelled.

Rejected: Claims 1-40 stand rejected.

Allowed: No claims have been allowed.

On Appeal: The rejection of claims 1-40 under
35 U.S.C. § 103(a) is appealed.

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GROUNDS OF THE REJECTIONS TO BE REVIEWED ON APPEAL

Claims 1-4, 6-14, 16-24, 26-34, and 36-40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,252,671 to Peng *et al.* ("Peng") in view of U.S. Patent No. 6,104,381 to Watanabe *et al.* ("Watanabe").

Claims 5, 15, 25, and 35 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Peng in view of Watanabe, and in further view of U.S. Patent No. 6,167,369 to Schulze ("Schulze").

ARGUMENT

A. **CLAIMS 1-4, 6-14, 16-24, 26-34 AND 36-40**

The rejection of claims 1-4, 6-14, 16-24, 26-34 and 36-40 as being unpatentable over Peng in view of Watanabe must be overruled *at least* (1) because Peng and Watanabe, both alone and in combination, do not teach or suggest all of the features of the claimed invention, and (2) because there is no proper motivation for combining Peng and Watanabe.

1. *Peng and Watanabe do not teach or suggest all of the features of the claimed invention.*

Claim 1 recites *inter alia*, "evaluating at least a portion of the character string by comparing each of the characters in the portion of the character string to a plurality of predetermined candidate character sets to determine one or more matches between the plurality of pre-determined candidate character sets and the character string." Peng and Watanbe do not teach or suggest this feature. Independent claims 11, 21, and 31 include similar subject matter, among other things. Claims 2-4, 6-10, 12-14, 16-20, 22-24, 26-30, 32-34 and 36-40 depend from

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corresponding ones of claims 1, 11, 21, and 31, and therefore include subject matter similar to the recitation provided above, as well as additional features.

In the 1/27/2006 Examiner's Answer, the Examiner asserts that Peng teaches processing character sets that are downloaded to a printer to determine whether they are Type 1 fonts (*e.g.*, a PostScript® font) or Type 2 fonts (*e.g.*, a TrueType font) and, if a font is a Type 2 font, processing the font to determine whether the character set is a single byte or double byte type. At pages 11 and 12. The Examiner relies on the disclosure of Peng at column 3, lines 48-51, 54, and 56-58, and at column 5, lines 14-19, to provide these teachings. However, the Examiner has not been able to cite any portion of Peng that discusses with any particularity the method used to process the character sets to determine a font type. For example, none of the cited portions of Peng suggest processing a character set by *individually comparing characters in the character set with characters in a plurality of candidate character sets* to identify matches between the character set and the candidate character sets. For *at least* these reasons, the rejection of claims 1-4, 6-14, 16-24, 26-34 and 36-40 as being unpatentable over Peng in view of Watanabe should be overruled.

2. *There is no proper motivation to combine Peng and Watanabe.*

The combination of Peng and Watanabe is improper because the motivation for combining the references provided by the Examiner consists of impermissible "hindsight" reasoning, and because no suggestion to combine the references exists in the prior art. The Examiner maintains that the motivation for modifying Peng to include the teachings of Watanabe is found in "only the knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's

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disclosure.” The 1/27/2006 Examiner’s Answer at page 12 (*citing, In re McLauchlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971)). In particular, the Examiner alleges that it would have been obvious to combine Peng and Watanabe to allow “a user to process document [sic] of an unknown language in strings, in order to streamline data processing of large amounts of data.” However, the Examiner provides no teaching in either Peng or Watanabe that supports this statement. For *at least* these reasons, the rejection of claims 1-4, 6-14, 16-24, 26-34 and 36-40 as being unpatentable over Peng in view of Watanabe should be overruled.

B. CLAIMS 5, 15, 25 AND 35

The rejection of claims 5, 15, 25, and 35 as being unpatentable over Peng in view of Watanabe, and in further view of Schulze is improper *at least* because there is no proper motivation for combining Peng and Watanabe with Shulze in the proposed manner, as is discussed in the Supplemental Appeal Brief filed November 7, 2005.

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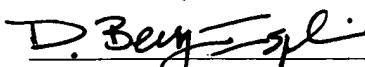
CONCLUSION

Appellants now appeal to this Honorable Board to promptly reverse these rejections and issued a decision in favor of Appellants. All of the claims are in condition for allowance.

Date: **March 27, 2006**

Respectfully submitted,

By:



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